

Wisconsin's Runoff Rules: What Farmers Need to Know

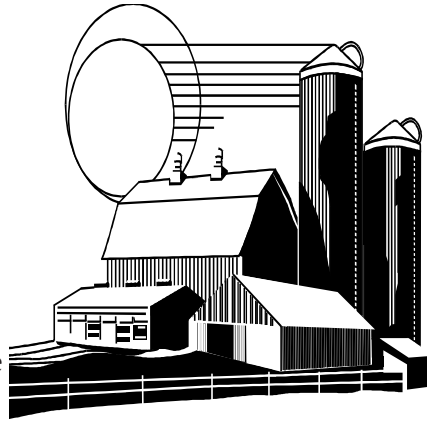
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and the Wisconsin Department of Agriculture, Trade, and Consumer Protection

New rules to control polluted runoff from farms, as well as other sources, went into effect Oct. 1, 2002.

NR 151, the DNR rule, sets performance standards and prohibitions for farms, non-agricultural performance standards to control construction site erosion, manage runoff from new developments and roads, and more precisely use fertilizer on 5-plus acres.

ATCP 50, the DATCP rule, identifies conservation practices that farmers must follow to meet DNR standards. The DATCP rule also sets out the requirements for nutrient management plans.



Livestock operations planning to expand to 1,000-plus animal units need to apply for a WPDES permit from the DNR 12 months in advance.

For farmers who grow agricultural crops

- Meet tolerable soil loss ("T") on cropped fields.
- Follow a nutrient management plan designed to limit entry of nutrients into state waters (groundwater and surface water) starting Oct. 1, 2003 for new croplands; starting Jan. 1, 2005 for high priority areas (e.g., impaired or exceptional waters); and starting Jan. 1, 2008 for all others.

For farmers who raise, feed, or house livestock

- Prevent direct runoff from feedlots or stored manure into state waters.
- Limit livestock access to state waters to avoid high concentrations of animals and maintain adequate or self-sustaining sod cover.
- Follow a nutrient management plan for manure application based on the same compliance schedule for farmers who grow crops.

For farmers who have, or plan to build, a manure storage structure

- Maintain a structure to prevent overflow.
- Repair or upgrade a failing or leaking structure that poses an imminent health threat or that violates groundwater standards.
- Close a structure according to accepted standards.
- Meet technical standards for a newly constructed or substantially altered structure.

For farmers with land in a Water Quality Management Area (300 feet from a stream, 1,000 feet from a lake, or in areas susceptible to groundwater contamination)

- Do not stack manure in unconfined piles.
- Divert clean water away from feedlots, manure storage areas, and barnyards located within this area.

Nutrient Management

To meet the new nutrient management standards, farmers may prepare their own nutrient management plans if they complete a DATCP-approved training course within 4 years, or otherwise demonstrate that they are qualified. These plans must:

- Rely on soil nutrient tests from a DATCP-certified laboratory
- Comply with the NRCS Nutrient Management Standard 590 (March, 1999)
- Follow the recommendations for nutrient applications in the *Soil Test Recommendations for Field, Vegetable and Fruit Crops*, UWEX publication A-2809 (1998), unless there are circumstances that justify more than the recommended application.

Farmers may need to follow additional management practices to reduce runoff of phosphorus or other nutrients if they have WPDES permits, have fields in watersheds that contain surface waters classified as impaired or exceptional/outstanding resources.

Rule Implementation

Counties have primary responsibility for implementing the new agricultural runoff standards. DATCP and DNR are working with counties to develop an implementation strategy. DATCP expects that counties will use their land and water resource management plans to identify local conservation needs and set priorities in a county.

Cost Sharing

Many farmers will be entitled to receive cost sharing if they are required to comply with state standards for farms. In *most* cases, farmers *cannot* be required to change an *existing* cropland practice or livestock facility on a farm to meet the new standards, unless they are offered cost sharing. Farmers are entitled to *at least* 70 percent cost sharing – more if there is an economic hardship.

Once a performance standard goes into effect, farmers who are in compliance on or after that date do not have a right to cost sharing if they later fall out of compliance. Farmers who *establish* new facilities (e.g., build new livestock housing or manure storage) may be eligible for cost sharing, but cost sharing is not required for compliance. Those covered by WPDES permits are not eligible for cost sharing to meet performance standards and prohibitions required under their WPDES permits.

Even if cost sharing is not available, a farmer must comply with the standards to receive the Farmland Preservation Tax Credit. A county may seek to suspend a farmer's tax credits, after giving the farmer time to come into compliance.

Farmers can expect counties to continue to offer voluntary cost sharing. They may negotiate voluntary cost-share contracts that:

- Pay for selected conservation practices, or selected costs.
- Pay for installation or maintenance, or both.
- Pay for some practices if a farmer agrees to install others without cost-sharing.
- Pay alternative flat rates per acre for annual practices such as nutrient management and contour farming.
- Make payments for a specified number of years in return for a farmer's commitment to continue annual practices (such as nutrient management or contour farming).

For More Information...

Contact your county conservation department:
<http://wlwca.org/Pages/LCDs.html> .

Visit DATCP's Web site:
http://datcp.state.wi.us/arm/regulation/prop-rules/atcp_50.html .

Visit DNR's Runoff Management Web site:
<Http://www.dnr.state.wi.us/org/water/wm/nps/admrules.htm> .

Contact a DNR field representative:
<http://www.dnr.state.wi.us/org/caer/cs/ServiceCenter/Locations.htm> .



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Cost-Share Rates

Covered Costs	DNR	DATCP
Standard Rates	70%	70%
Economic Hardship	Up to 90%	90%
Flat Rates	Yes	Yes
Nutrient Management	70% or \$6/acre 1st yr.: \$4/acre next yrs.; max 4 yrs.	\$7/acre for 4 yrs.

Cost-Share Comparison

Covered Costs	DNR	DATCP
Installation	Yes	Yes
Maintenance	No	Yes but excludes barnyard clean-outs, other routine practices
Moving	No	\$10/acre no more than 2 times per year
Farmer's contribution of labor, equipment, and supplies	Yes	Yes
Land taken out of production	No	Only if more than 1/2 acre; higher CREP rate for riparian land
Existing and planned livestock expansion	Yes	Yes

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